



10/26/00

10-27-00

A

EXPRESS MAIL: EL701462723US
DATE DEPOSITED: October 26, 2000

PATENT
Atty. Dkt. No. 2551.049

BOX PATENT APPLICATIONS
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

JC926 U.S. PTO

09/697557



10/26/00

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of:

Inventor: Charles C. Freeny, Jr.

For: PROXIMITY SERVICE PROVIDER SYSTEM

1. Type of Application

This new application is for a(n)

- ☒ Original (non-provisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☐ Continuation
- ☐ Continuation-in-Part (C-I-P).

APPROVED
for
PTO DEPOSIT ACCOUNT CHARGE
ACCOUNT # 04-1750
KCK
DUNLAP & CODDING, P.C.

2. Benefit of Prior Application(s) (35 U.S.C. §§ 119(e), 120, or 121)

- ☒ The new application being transmitted claims the benefit of prior U.S. *provisional* application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

3. Papers Enclosed

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application. Enclosed are:

- ☒ Thirty-two (32) sheets of Formal Drawings.
- ☒ One hundred and eighteen (118) pages of Specification.
- ☒ Thirty-seven (37) pages of Claims.
- ☒ Two (2) pages of Abstract.
- ☒ Five (5) pages Combined Declaration and Power of Attorney (unsigned)
- ☐ () pages of Assignment to:
- ☐ () page of Assignment Cover Sheet
- ☐ () pages of Power of Attorney and Certificate under 37 CFR 3.73(b)
- ☐ () pages of Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(c)) - Small Business Concern
- ☒ Two (2) pages of Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b)) - Independent Inventor
- ☒ Pre-addressed postal card.

4. Additional papers enclosed

- ☐ Amendment to claims
- ☐ Cancel in this application claims _____ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 C.F.R. § 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

5. Declaration or oath (including power of attorney)

☒ enclosed (unsigned)

☐ Executed by

☐ inventor(s).

☐ legal representative of inventor(s).
37 C.F.R. § 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of
inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. § 1.47 and the statement
required by 37 C.F.R. § 1.47 is also attached. See item 13 below for
fee.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. § 1.41(c)
on behalf of *all* the above named inventor(s).

6. Inventorship Statement

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims
at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

7. Language

- ☒ English
- ☐ Non-English
- ☐ The attached translation includes a statement that the translation is accurate.
37 C.F.R. § 1.52(d).

8. Assignment

- ☐ Assignment of the invention to _____
- ☐ is attached. A separate ____ "COVER SHEET FOR ASSIGNMENT
(DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or FORM
PTO-1595 is also attached.
- ☒ will follow.

9. Certified Copy

_____	_____	_____
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are attached).
- ☐ will follow.

Applicant: Charles C. Freeny, Jr.
Title: PROXIMITY SERVICE PROVIDER SYSTEM
Atty. Dkt. No.: 2551.049

10. Fee Calculation (37 C.F.R. § 1.16)

A. [X] Regular application

The fee has been calculated as shown below:

	Number Filed	Number Extra	SMALL ENTITY BASIC RATE FEE	OTHER THAN SMALL ENTITY BASIC RATE FEE
For			\$355.00	\$710.00
Total Claims	49 - 20	29	x \$9 = 9.00	29x\$18=\$522.00
Indep. Claims	9 - 3	6	x\$ 40= .00	6x\$80 = \$480.00
Total:			<u>\$ 1,712.00</u>	

11. Small Entity Statement(s)

[] Statement(s) that this is a filing by a small entity under 37 C.F.R. § 1.9 and 1.27 is (are) attached.

[X] Status as a small entity was claimed in prior *provisional* application, U.S. Serial No. 60/161,883, filed on October 27, 1999, from which benefit is being claimed for this application under:

35 U.S.C. § [X] 1.19(e),
[] 120,
[] 121,

and which status as a small entity is still proper and desired.

[X] A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C)

\$ 856.00

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

12. Request for International-Type Search (37 C.F.R. § 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time. (*This and the surcharge required by 37 C.F.R. § 1.16(e) can be paid subsequently.*)
- ☒ Enclosed
- | | |
|--|-------------------------|
| <input checked="" type="checkbox"/> Filing fee | \$ <u>856.00</u> |
| <input type="checkbox"/> Recording assignment | \$ _____ |

Total fees enclosed **\$ 856.00**

14. Method of Payment of Fees

- ☐ Check in the amount of \$ _____
- ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 04-1700.

A duplicate of this transmittal is attached.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

15. Authorization to Charge Additional Fees

- ☒ [X] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 04-1700.
- ☒ [X] 37 C.F.R. § 1.16(a), (f) or (g) (filing fees)
- ☒ [X] 37 C.F.R. § 1.16(b), (c) and (d) (presentation of extra claims)
- ☒ [X] 37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ [] 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to 1.136(a)).
- ☐ [] 37 C.F.R. § 1.17 (application processing fees)
- ☐ [] 37 C.F.R. § 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b))

16. Instructions as to Overpayment

- ☒ [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment under 37 C.F.R. 1.16 and 1.17 to Deposit Account No. 04-1700.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

17. Relate Back

☒ Amend the specification by inserting, before the first line, the following sentence:

A. 35 U.S.C. § 119(e)

☒ "This application claims the benefit of U.S. provisional patent application identified by U.S. Serial No. 60/161,883, entitled Proximity Service Provider System, filed on October 27, 1999 and U.S. provisional patent application identified by U.S. Serial No. 60/186,874, entitled Master Operating Software System, filed on March 3, 2000.

B. 35 U.S.C. §§ 120, 121 AND 365(c)

☐ "This application is a

☐ continuation

☐ continuation-in-part

☐ divisional

of copending application(s)

☐ application number _____ filed on _____"

☐ International Application _____ filed on _____ and which designated the U.S."

☐ "The nonprovisional application designated above, namely application _____, filed _____, claims the benefit of U.S. Provisional Application(s) No(s).:

☐ Where more than one reference is made above, please combine all references into one sentence.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

18. Relate Back - 35 U.S.C. § 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. No.	Filed on
---------	------------	----------

The certified copy(ies) has (have)

☐ been filed on _____, in prior application _____, which was filed on _____.

☐ is (are) attached.

19. Maintenance of Copendency of Prior Application

A. ☐ Extension of time in prior application

☐ A petition, fee and response extends the term in the pending prior application until _____.

☐ A **copy** of the petition filed in prior application is attached.

B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A **copy** of the conditional petition filed in the prior application is attached.

Applicant: Charles C. Freeny, Jr.
Title: PROXIMITY SERVICE PROVIDER SYSTEM
Atty. Dkt. No.: 2551.049

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) ☒ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☒ the same.

- (b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

☐ the following additional inventor(s) have been added:

- (c) The inventorship for all the claims in this application are

☒ the same.

☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

Applicant: Charles C. Freeny, Jr.
Title: **PROXIMITY SERVICE PROVIDER SYSTEM**
Atty. Dkt. No.: 2551.049

21. Small Entity (37 C.F.R. § 1.28(a))

- [X] Applicant has established small entity status by the filing of a statement in *provisional* application U.S. Serial No. 60/151,883, filed October 27, 1999.
- [X] A copy of the statement previously filed is included.

Marc Brockhaus

Marc A. Brockhaus, Reg. No. 40,923
DUNLAP, CODDING and ROGERS, P.C.
9400 North Broadway, Suite 420
Oklahoma City, Oklahoma 73114
(405) 478-5344

Attorney for Applicant(s)